

United States Senate

September 29, 2025

The Honorable Jonathan Morrison
Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Administrator Morrison,

We write today to express deep concern regarding the failure of Tesla's Full Self-Driving (FSD) system to safely detect and respond to railroad crossings. Despite past investigations by the National Highway Traffic Safety Administration (NHTSA) into Tesla's system, FSD reportedly continues to pose an ongoing threat to safety on our public roads. Because collisions between trains and cars often cause significant fatalities and injuries, FSD's failure to safely navigate railroad crossings creates serious risk of a catastrophic crash. We urge NHTSA to immediately launch a formal investigation into this disturbing safety risk and take any necessary action to protect the public.

Over the past year, a growing number of Tesla drivers have reported incidents in which vehicles equipped with FSD failed to recognize or properly respond to railroad crossings. According to a September investigation by NBC News, at least six Tesla owners experienced near-collisions or crashes while FSD was engaged at or near train tracks.¹ Several of these incidents were documented with video evidence showing the vehicle driving past warning signs, ignoring active crossing gates, or otherwise requiring sudden human intervention to avoid disaster.² In one especially alarming case caught on video, an Ohio driver reported that his Tesla's FSD system drove through an active railroad crossing arm, sending the car skidding off the road near an oncoming train.³ Although the vehicle ultimately struck the crossing gate rather than the train, the crash occurred despite the flashing oncoming train signals several seconds prior to impact. Something is clearly wrong with the operation of Tesla's FSD near train tracks.

These terrifying incidents demonstrate both the limitations of Tesla's technology and confusion around the branding of FSD. Although Tesla warns FSD users to always supervise their vehicles when FSD is engaged, consumers would understandably expect a system named *Full* Self-Driving to recognize something as rudimentary as the flashing signals indicating an oncoming train at a rail crossing, without the driver having to intervene to avoid disaster. Recent

¹ David Ingram, *Tesla's 'self-driving' software fails at train crossings, some car owners warn*, NBC News (Sept. 16, 2025), <https://www.nbcnews.com/tech/elon-musk/tesla-full-self-driving-fails-train-crossings-drivers-warn-railroad-rcna225558>.

² *Id.*

³ Ben Goggin, *A Tesla owner says his car's 'self-driving' technology failed to detect a moving train ahead of a crash caught on camera*, CNBC (May 23, 2024), <https://www.cnbc.com/2024/05/23/a-tesla-owner-says-his-cars-self-driving-technology-failed-to-detect-a-moving-train-ahead-of-a-crash-caught-on-camera.html>.

reports show this reasonable expectation is too much to ask of Tesla, making the name *Full Self-Driving* both misleading and dangerous.

The potential consequences of this kind of failure at a railroad crossing cannot be overstated and necessitate urgent action by NHTSA. Although mistakes such as a missed traffic sign or an illegal lane change are dangerous, a miscalculation at a train crossing can lead to catastrophic, multi-fatality collisions involving vehicle occupants, train passengers, and rail workers.⁴ Unfortunately, NHTSA's response to the reports concerning railroad crossings has, so far, been deeply insufficient, with the agency doing nothing more than acknowledging it is aware of the incidents and stating it is in contact with the manufacturer. The seriousness of these incidents warrants an immediate official investigation. The traveling public desperately needs a traffic safety agency aggressively investigating vehicle safety defects, not an agency on autopilot.

Moreover, NHTSA's previous investigations into FSD show that the system's failures are not isolated. Tesla's system has been shown to misinterpret basic traffic infrastructure, particularly in low visibility or complex roadway conditions.⁵ For example, in October 2024, NHTSA opened a separate probe into FSD's behavior under reduced visibility conditions, including several fatal and near-fatal collisions in which the system failed to detect stationary or slow-moving obstacles.⁶ Following the investigation, Tesla changed the name of its FSD system to "Full Self-Driving (Supervised)" and clarified the system is not autonomous in the fine print.⁷ While these changes represent a small improvement, recent reports indicate the system is still a clear danger on our roads.

Given Tesla's tattered safety record, we urge NHTSA to immediately launch a formal investigation into FSD's operations around rail crossings. As part of this investigation, the agency should consider clear and obvious actions to protect the public, including restricting Tesla's FSD to the road and weather conditions it was designed to operate in, as we have previously suggested,⁸ and requiring Tesla to adopt a name for its automated driving system that does not mislead drivers about its capabilities, as we previously suggested as well.⁹

⁴ Railroad Administration, *Highway-Rail Crossing Safety* (June 24, 2025), <https://railroads.dot.gov/railroad-safety/divisions/crossing-safety-and-trespass-prevention/railroad-crossing-safety>.

⁵ Chris Isidore, *Feds investigating safety of Tesla's 'Full Self-Driving' feature*, CNN (Oct. 18, 2024), <https://www.cnn.com/2024/10/18/business/tesla-fsd-federal-investigation>.

⁶ Lora Kolodny, *Tesla faces NHTSA investigation of 'Full Self-Driving' after fatal collision*, CNBC (Oct. 18, 2024), <https://www.cnbc.com/2024/10/18/tesla-faces-nhtsa-investigation-of-full-self-driving-after-fatal-collision.html>.

⁷ Fred Lambert, *Tesla changes meaning of 'Full Self-Driving', gives up on promise of autonomy*, electrek (Sept. 5, 2025), <https://electrek.co/2025/09/05/tesla-changes-meaning-full-self-driving-give-up-promise-autonomy/>.

⁸ Letter from Senators Edward J. Markey and Richard Blumenthal to Sophie Shulman, Acting Administrator, National Highway Traffic Safety Administration (Apr. 18, 2024), <https://www.markey.senate.gov/news/press-releases/senators-markey-blumenthal-lead-call-for-stronger-action-from-federal-regulator-on-autonomous-vehicle-safety-after-high-profile-crashes>.

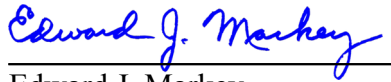
⁹ Letter from Senators Richard Blumenthal and Edward J. Markey to Lina Khan, Chair, Federal Trade Commission (Aug. 18, 2021), <https://www.markey.senate.gov/news/press-releases/markey-and-blumenthal-call-for-ftc-investigation-into-teslas-misleading-advertising-of-driving-automation-systems>.

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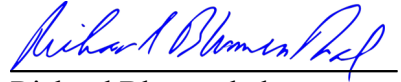
Please provide a written response by October 20, 2025, outlining the steps the agency intends to take on this matter and a timeline for any investigation.

We look forward to working with you on our shared goal of keeping our roads safe.

Sincerely,



Edward J. Markey
United States Senator



Richard Blumenthal
United States Senator